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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,303	03/25/2002	Christian Rutkowski	56/362	1091

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EXAMINER

PERVEEN, REHANA

ART UNIT PAPER NUMBER

2116

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/980,303

**Applicant(s)**

RUTKOWSKI ET AL.

**Examiner**

Rehana Perveen

**Art Unit**

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/25/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM TDB, "Real-time Task Dispatcher for Multi-loop Control Systems", in view of Muhlfeld et al, Patent No. 5,506,787.

As to claim 1, IBM TDB teaches synchronized start-up of an application of a numerical control of a machine tool or robot, wherein several initialization steps of the application are sequentially performed, and wherein respectively a further initialization step of the application is only started after the previous initialization step has been performed (disclosure text, pages 1-3).

However, the IBM TDB does not expressly teach the application being in an object-oriented environment.

Muhlfeld et al teaches a numerical control for a machine tool or robot utilizing object-oriented application wherein the application objects govern sequence control (col. 2 line 46 – col. 3 line 40).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of the IBM TDB and Muhlfeld et al because both are commonly directed to application-based numerical control of a machine tool or robot, and Muhlfeld et al's object-oriented structure of the application when utilized for the IBM TDB's task-oriented structure of the application, would have enabled the system to achieve the added benefits and advantages offered by the well known object-oriented technology instead of the conventional procedural technology.

As to claim 2, the IBM TDB teaches that initially a starting program is executed which contains information regarding the application and the chronological sequence of the individual initialization steps, and which loads at least a part of the data of the application from a bulk storage into a main memory (page 2).

As to claim 3, Muhlfeld et al teach the steps to be executed in an initialization step are stored in the object to which they are also applied (col. 3 lines 1-55).

As to claim 4, Muhlfeld et al teach the execution of an initialization step is initiated in an object of an application of a start program of the application, and otherwise by the respective hierarchically higher-ranking object (col. 5 line 19 – col. 6 line 67).

As to claim 5, Muhlfeld et al teach the start program of the application only starts the next initialization step after it has received an execution report from all subordinated objects (col. 8 lines 24-40).

As to claim 9, Muhlfeld et al teach that individual and essentially completed functions of the application in the form of objects are created in an initialization step (col. 4 lines 13-45).

As to claim 10, Muhlfeld et al teach that the communications channels are created between objects in an initialization step (col. 6 lines 17-38 and col. 7 lines 23-28).

As to claim 11, Muhlfeld et al teach that parameters are assigned to the variables in the individual objects in an initialization step (col. 6 lines 39-67).

As to claim 12, Muhlfeld et al teach the regular operation of the application is released in an initialization step (col. 7 lines 46-52).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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